

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 10-21517-CIV-HUCK

JOHN DOE,

Plaintiff

v.

EJERCITO DE LIBERACION NACIONAL,  
a/k/a ELN, a/k/a National Liberation Army,  
and FUERZAS ARMADAS  
REVOLUCIONARIOS DE COLOMBIA,  
a/k/a FARC, a/k/a REVOLUTIONARY  
ARMED FORCES OF COLOMBIA,

Defendants.

**MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Plaintiff, John Doe, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 55(b)(2), hereby requests that the Court enter a default judgment in this matter against Defendants, The National Liberation Army (ELN) and The Revolutionary Armed Forces of Colombia (FARC), and states as follows:

1. On May 10, 2010, Plaintiff filed the Complaint in this matter alleging that Defendants, acting in a criminal conspiracy, had kidnapped him, trafficked him internationally, held him hostage and tortured him for nearly a year. (DE #1).

2. On September 2, 2010, the Court entered an order extending the service period and allowing for service by Court directed publication. (D.E. #6). On November 10, 2010, Plaintiff served the FARC and the ELN by electronic transmission of a Notice of Service of a Summons in a Civil Case, and filed notice of this service. (D.E. #9).

3. On March 3, 2011, the Court ruled that this service was valid and deemed that service had been effectuated as of the date of the order so finding, or March 3, 2011. (D.E. #17).

4. On September 1, 2011, the Clerk entered a default in this matter pursuant to Fed. R. Civ. P. 55(a). (D.E. #23).

5. Fed. R. Civ. P. 55 provides in relevant part:

b) Entering a Default Judgment.

...  
(2) By the Court. In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals--preserving any federal statutory right to a jury trial--when, to enter or effectuate judgment, it needs to:

- (A) conduct an accounting;
- (B) determine the amount of damages;
- (C) establish the truth of any allegation by evidence; or
- (D) investigate any other matter.

6. Plaintiff has indicated to the Court, and reaffirms here, that he is willing to have the Court, rather than a jury, assess and impose damages.

7. The Court has set a Trial on Damages. Plaintiff stands ready for this trial, but submits that the Court may enter the award based on this motion and the supporting testimony.

8. Plaintiff files contemporaneously with this motion Plaintiff's Memorandum of Law on Damages. The affidavit of the Plaintiff supporting this Motion is contemporaneously being filed with the Court under seal due to the fact that it identifies the Plaintiff, and reveals intimate details of the abuse that he suffered.

WHEREFORE, Plaintiff respectfully requests this Court to enter a Default Judgment against Defendants ELN and FARC jointly and severally.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

**I hereby certify** that on December 7, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ John Thornton  
John Thornton

**SERVICE LIST**

**John Doe v. Ejercito de Liberacion Nacional, et al.**

**Case No.: 1021517-CIV-HUCK**

**United States District Court, Southern District of Florida**

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